

BRENTWOOD BOARD OF SELECTMEN  
MINUTES OF 8/25/09 EMERGENCY MEETING

Convened: 6:00 p.m.  
Present: Jeffrey Bryan  
David Menter  
George Waldron  
6:30pm Jane Byrne

The Board met and reviewed payroll, accounts payable, and signed the register. The Board reviewed and signed the recreation manifest.

Jonathan Ellis was in to present the weekly Treasurer's report.

The Board reviewed the minutes of the 8/18/09 meeting. Waldron made a motion, seconded by Menter, to approve the minutes. Bryan, Waldron and Menter voted in favor. Byrne was absent at time of the vote.

Stevens noted the following:

- She spoke with Jeane Samms of the DRA to get clarification as to whether or not we could do a lease/purchase agreement on the pumper tanker. Samms reported that the wording of the warrant article will not allow for a lease/purchase.
- Donahue, Tucker has requested an exit interview with the Selectmen. The Board decided this is not necessary.
- Mitchell Municipal has recommended that Donahue, Tucker continue with the Willim case as that, hopefully, is near completion. All members agreed.

The following building permits were submitted and approved by the Board of Selectmen:

- Skip Chase of 14 Sanborn Way for a 12 x 16 shed.
- Kathleen Shippee of 171 Pickpocket Road for the addition of a garage.

Julie explained that Friday, 8/21, Matt Lowe and Jason Lodge of Hoyle, Tanner met with Mr. Musso regarding the easement deeds. Lowe & Lodge felt that through their previous dealings with him they have a good rapport and wanted to get an idea of whether or not he intends to sign the deeds. Lowe & Lodge met with Julie following their brief discussion with Musso. Musso indicated to them that he will not sign the easement deeds and that he will do anything in his power to keep the bridge from being replaced even if it means losing the stimulus money. In addition, he is disputing the actual right-of-way and spoke of suing the Town about this matter. John Kennedy, Planning Board member who was in attendance, mentioned that Musso's site plan states he will have a paper trail for all used oil and Kennedy recommends that the Board check and make sure he's complying with this. Kennedy continued that it looks like the plan shows a 50' right-of-way there; since it was a state road at one time it would make sense that there would be a 50' right-of-way. Bryan informed the Board members that he did ask Julie to confer with Mitchell Municipal regarding a "taking" since they are now officially Town Counsel. Mitchell Municipal has informed us that meeting the necessary deadlines will be tight. It essentially depends on Mr. Musso's cooperation. Waldron suggests that we check with

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the engineers to see if they are aware of the 50' ROW and see if this would be enough area for them to work on and they could move on an injunction much quicker than a "taking." Waldron also questions if we really need to have the easement signed before it actually goes out to bid as construction isn't even suppose to start until spring of 2010; perhaps they can move forward without it. Stevens responded that Attorney Mitchell has touched base with Matt Lowe and learned that the contract needs to be put out to bid by mid December with all details to get federal approval in place by the end of November. Hoyle, Tanner has stated that if we do not meet the requirements for the stimulus funding, the project will revert back to the State Bridge Aid Program with 80% state funding, 20% Town.

Stevens explained that Attorney Mitchell has proposed to Hoyle, Tanner that they modify the guardrail to get it off of Mr. Musso's property, and add a temporary construction easement beyond the area of the guardrail and slope easements to give some latitude in construction to reduce the likelihood of Mr. Musso trying to have people arrested every time they step foot over the line. Byrne requested written documentation from the Hoyle, Tanner representatives regarding their meeting with Mr. Musso. Julie will request this from them. Bryan asked if we should put an article in the Brentwood Newsletter stating that our stimulus money could be jeopardized by an abutter refusing to sign an easement deed. The Board agreed.

Julie explained that the first step in the "taking" process is to have an appraisal done of the easement area of Mr. Musso's property and Mr. Mitchell is looking for approval to hire Fremeau Appraisals to do this work. Waldron made a motion, seconded by Menter, to authorize the hiring of Fremeau Appraisals. All voted in favor. The Board reviewed the steps involved in an eminent domain action as outlined by Town Counsel.

Julie distributed a couple different copies of a revised letter based on the one that Elyse Seeley presented last week; one done by Elyse and one Julie had done. Elyse intends for hers to be distributed before the Department Head Meeting, Julie was going to hand hers out as part of the budget packets at the meeting. The Board will take them home and review them to discuss at next week's meeting.

Bryan made a motion to go into nonpublic session per RSA 91-A:3, II(a) to discuss an employee matter. Menter seconded the motion; Bryan, Waldron, Byrne and Menter voted in favor.

Menter made a motion, seconded by Byrne, to return to public session. Bryan, Waldron, Byrne and Menter voted in favor. Byrne made a motion to seal the minutes. Motion was seconded by Waldron; Bryan, Waldron, Byrne and Menter voted in favor.

At 7:05 p.m. a motion was made by Bryan and seconded by Waldron to adjourn. All voted in favor.

Respectfully submitted,  
Julie Stevens

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